

ORDINANCE NO. O-2007-28

**BE IT ENACTED BY THE QUORUM COURT OF BENTON COUNTY,
STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:**

**AN ORDINANCE CONFERRING AUTHORITY TO
REGULATE UNSANITARY CONDITIONS**

WHEREAS, the Quorum Court of Benton County has found that conditions exist from time to time within the County that pose a threat to the health, safety and welfare of our citizens; and

WHEREAS, the Quorum Court of Benton County believes it necessary to promulgate a mechanism to authorize the County Environmental Services Department to regulate these unsanitary conditions.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF BENTON, STATE OF ARKANSAS:

ARTICLE 1. The Director of Environmental Services and other Certified Environmental Officers for Benton County are authorized and empowered to order the owner of real property within Benton County to:

- (1) Abate, remove, or eliminate garbage, rubbish, junk (defined as old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, and waste, or junked, dismantled, or wrecked automobiles, or parts thereof, or iron, steel and other old or scrap ferrous or nonferrous materials) and other unsightly and unsanitary articles upon property situated in the County; and
- (2) Abate, eliminate, or remove stagnant pools of water or any other unsanitary thing, place, or condition that might become a breeding place for mosquitoes and germs harmful to the health of the community.

ARTICLE 2. A copy of the order issued under Article 1 of this Ordinance shall be:

- (1) Posted upon the property; and
 - a. Mailed to the last known address of the property owner by the county clerk or other person designated by the quorum court; or
 - b. Published in accordance with A.C.A. §14-14-104 if there is no last known address for the property owner.

ARTICLE 3. If the property owner has not complied with the order within thirty (30) days after notice was given in accordance with this ordinance, the County may:

- (1) Take any necessary corrective actions, including repairs, to bring the property into compliance with the order; or
- (2) Remove or raze any structure ordered by the Director of Environmental Services to be removed or razed; and
- (3) Charge the cost of any actions under this ordinance to the owner of the real property.

ARTICLE 4. The County shall have a lien against the property for any unpaid cost incurred under this ordinance in addition to interest at the maximum legal rate.

ARTICLE 5. In all successful suits brought to enforce liens granted under this section, the County shall be reimbursed its costs, including title search fees and a reasonable attorney's fee.

ARTICLE 6. This Ordinance does not apply to:

- (1) Land valued as agricultural property that is being farmed or otherwise used for agricultural purposes; or
- (2) A parcel of land larger than ten (10) acres if the unsanitary condition on the parcel is not visible from a public road or highway.

APPROVED:

/s/ Gary D. Black
GARY D. BLACK, COUNTY JUDGE
DATE SIGNED: November 30, 2007

ATTEST:

/s/ Mary L. Slinkard
MARY L. SLINKARD, COUNTY CLERK
SPONSOR: Environmental Committee
ADOPTED: November 29, 2007
Votes for: 10 Against: 2
Abstain: Present: Absent: